IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.17018 of 2006
RAJESH KUMAR JHA @ RAJESH KUMAR
Versus
STATE OF BIHAR & ANR
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8 4.8.2008 Heard learned counsel for the petitioner as also the learned counsel for O.P. No. 2 and the learned A.P.P. for the State.

The petitioner prays for quashing of order dated 30.1.2006 passed in Cr. Revision No. 154 of 2005 by the learned 1st Additional Sessions Judge, Munger, whereby while rejecting the revision he has upheld the order dated 17.3.2005 passed by Sri S.K.Pandey, Judicial Magistrate, Munger, in Case No. 98C of 2004, whereby he has rejected the prayer of the petitioner to discharge him from the charges of sections 447, 379 and 504 I.P.C. as non of those offences can be said to have been made out.

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I had occasion of perusing the impugned order of the learned Magistrate as also that of the Revisional Court and I find no apparent illegality or impropriety in the aforesaid orders which are based on cogent reasons.

The submission of the learned counsel for the petitioner that from the complaint petition itself no offence under section 379 I.P.C. can be said to have been made out .

The fact remains that prima facie offence under section 447, 379 and 504 I.P.C. are made out and there are concurrent finding of facts of two courts below based on the materials available on the record of the case. Now, I cannot sit in appeal or revision over those findings. Whether a case under these sections are made out or

not will be seen at the trial but the very fact that there is an existence of suspicion it is sufficient for the Court to frame charges against accused. Reference in this connection may be made to the case of State of Bihar Vs. Ramesh Singh (AIR 1977 SC 2018).

In the circumstances stated above I find no merit in this application which is accordingly dismissed.

Spd/- **(Abhijit Sinha, J.)**

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